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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,928	11/05/2001	Jan Eveleens	NL000591	6950

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
NATNAEL, PAULOS M	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/992,928	EVELEENS ET AL.	
	Examiner	Art Unit	
	Paulos M. Natnael	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-22* is/are rejected.

7)☒ Claim(s) *11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-5,7-10,12-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Levy, U.S. Patent Application Publication No. 2001/0054150A1.

Considering claim 1, Levy discloses a watermark embedding functions in rendering description files. Fig.1 illustrates a watermark embedding command, rendering description file and rendering commands 1, 2 and 3. Fig. 2 illustrates input rendering command 120, watermark embedders 130 and 132, rendering device 1 and 2, transmission channel 140 and rendering device 3 138, at the receiver side. Levy teaches that the watermark embedding function is particularly well suited for controlling the embedding of watermarks in vector graphics used in virtual advertising for streaming media, like streaming video. The virtual advertising is a vector graphic such as a logo that is superimposed on a video sequence when the streaming video is rendered in a receiving device, such as television equipped with a set top box or a personal computer on the Internet. This vector graphic file defining the virtual advertising can include a

watermark embedding command as described above. At rendering time when the vector graphic is rendered, a watermark embedder module at the receiver embeds a watermark onto the vector graphic. This vector graphic can be used as a trigger for interactive TV applications wherever that video travels. For example, the user clicks on (or otherwise selects the logo displayed on the video screen with a cursor control device) to request interactive information such as a web page or to order a product or service when playing previously recorded or live content through a personal video recorder like a Tivo machine. The watermark in the logo is then decoded and a payload is extracted from it that indexes a database entry. *The database returns the interactive information (URL, HTML, web page, etc.) or some other programmatic code that executes on the user's set-top box or computer and enables the user to buy the advertised product.* As illustrated in this example, *the watermark embedding command may be specified for content that includes a combination of different media signals like video, vector graphics, and audio, that get combined at rendering time in the receiving device.* [emphasis added by examiner] (see page 6, [0064]) Therefore, Levy meets all claimed subject matter.

Considering claims **2-4**, Levy discloses that "Digital watermarking is a process for *modifying physical or electronic media* to embed a machine-readable code into the media. The media may be modified such that the embedded code is imperceptible or nearly imperceptible to the user, yet may be detected through an automated detection process. Most commonly, digital watermarking is applied to media signals such as

images, audio signals, and video signals. However, it may also be applied to other types of media objects, including documents (e.g., through line, word or character shifting), software, multi-dimensional graphics models, and surface textures of objects. (See page 1, [0005])

Considering claim **5**, Levy discloses that the command in digital watermarking is used for modifying physical or electronic media to embed a code in the media. [0005]

As to claim **7**, see rejection of claim 1. (see both figures 1 and 2 of Levy).

As to claim **8**, see rejection of claim 1. As to the claimed decoders, Levy teaches that the digital watermarking systems comprise an encoder and a decoder. pg. 1 [0006]. Levy also teaches that the command signal comprises such data as identifiers, intensity, area to embed, format preferences, etc. (see abstract), and is executable on the user's STB or computer. Pg. 6, [0064]

Regarding claim **9**, see rejection of claim 1.

Considering claim **10**, see rejection of claim 1 and pg.6 [0064] which discloses logo and virtual advertisement for streaming media, such as streaming video.

As to claim **12**, see rejection of claim 1.

As to claim **13**, see rejection of claim 1.

As to claim **14-15**, see rejection of claims 2-4.

Regarding claim **16**, see the disclosure of TV applications such as a set-top box. Such TV receiver or system inherently includes audio, hence, a speaker or two to reproduce the audio signal.

As to claim **17**, see rejection of claim 8.

As to claim **18-19**, see rejection of claims 2-4.

As to claim **20**, see rejection of claim 16.

As to claim **21**, see rejection of claim 16.

As to claim **22**, see rejection of claim 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy, U.S. Patent Application Publication No. 2001/0054150A1.

Considering claim 6, Levy teaches all claimed subject matter as shown in the rejection of claim 1; except for the claimed decoding means for obtaining the information unit. Although a decoder or decoders is not specifically shown in the reference, Levy however discloses on page 1 [0005] that the "digital watermarking system typically have two primary components: an encoder... and a decoder that detects and reads the embedded watermark from a signal suspected of containing a watermark..." Levy also teaches that the command signal comprises identifiers, format preferences, etc. and is executable on the user's STB or computer. See Pg. 6, [0064]

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to provide a decoder in order to read the embedded watermark from a signal suspected of containing a watermark, because otherwise the system of Levy would not function properly. See also rejection of claim 8.

Allowable Subject Matter

5. Claim **11** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a method of presenting an advertisement to a user, comprising the steps of maintaining a user profile for the user based on a sale of a controllable device to the user, determining using the user profile a product that the user

is likely to want to buy, and adding an identifier for the product to the command, as in claim 11.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paulos M. Natnael
Primary Examiner
Art Unit 2614

Pmn
September 15, 2005